

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, August 1, 2011
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Pociask, B. Ryan
Members absent: G. Lewis
Alternates present: F. Loxsom, K. Rawn, V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development

Chairman Favretti called the meeting to order at 7:48 p.m. He appointed alternate Ward to act in Lewis' absence.

Minutes:

07-18-11- Holt MOVED, Ward seconded, to approve the 7/18/11 minutes as corrected. MOTION PASSED UNANIMOUSLY. Pociask noted that he had listened to the recording of the meeting.

07-26-11 Field Trip-Holt MOVED, Ryan seconded, to approve the 7-26-11 field trip minutes as corrected. MOTION PASSED with Favretti, Beal, Goodwin, Rawn, Holt, Ryan and Ward in favor and all others disqualified.

Zoning Agent's Report:

Noted. It was agreed that Hirsch, together with the Director of Planning and Development and the Assistant Town Engineer/Wetlands Agent, should investigate the Paideia site regarding discussion about the large amount of fill and boulders recently brought into the site.

Continued Public Hearing:

Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5

Favretti opened the continued public hearing at 7:51 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Plante, Pociask, Ryan and alternates Loxsom, Rawn and Ward. Ward was appointed to act in Lewis' absence. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to the Commission: a 7/27/11 revised set of plans from Towne Engineering; a 7/27/11 memo from the Director of Planning and Development; a 7/28/11 memo from the Assistant Town Engineer; a 7/13/11 memo from the Fire Marshal; and a 8/1/11 Sanitary Report from M. Maynard, Towne Engineering.

Joseph Boucher, Towne Engineering, reviewed the site and pointed out an area for future parking if deemed necessary, noting the design as presented is ten parking spaces short of what is required. This issue requires a waiver by the Planning and Zoning Commission.

Lincoln Chesmer, representing Farmer's Cow, was present and discussed the operation of the store, noting that it will be similar to an ice-cream shop that has a limited sandwich menu. All food will be served on disposable products. He stated that the hours of operation will be from 8 a.m. to 9 p.m., therefore there will be no need for extra lighting outside.

Members expressed the need for more details regarding the sign; a report from the EHHD since the test holes were dug; and barrier protection from vehicles for patrons utilizing the patio.

Plante MOVED, Pociask seconded, to continue the public hearing until 9/6/11. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application for proposed office building, North Frontage Road, K. Tubridy owner, United Services applicant, PZC File #1302

Favretti opened the public hearing at 8:08 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Plante, Pociask, Ryan and alternates Loxsom, Rawn and Ward. Ward was appointed to act in Lewis' absence. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on July 19 and July 27, 2011, and noted the following communications received and distributed to the Commission: a 7/28/11 report from the Director of Planning and Development; a 7/26/11 report from G. Havens, Sanitarian, EHHD; a 7/28/11 memo from the Assistant Town Engineer; a 7/19/11 memo from the Fire Marshal; a 7/8/11 memo from J. DeCastro, CT D.O.T.; 7/26/11 Draft Minutes from the Traffic Authority; a 6/14/11 letter to BL Companies from James Hooper, Superintendent, Windham Water Works; and a 6/20/11 letter with email attachments from Grant Meitzler re: Windham Sewer Department.

John Everett, architect with New England Design, reviewed the building design and layout, including exterior building materials.

Diane Manning, Executive Director, United Services, discussed how the new building will help the organization better fit the growing needs of the region.

Geoff Fitzgerald, BL Companies, reviewed the site plan, the parking layout, the stormwater management plan, and the traffic and turning lanes.

Curt Beck, 11 September Road, spoke in favor of the application and submitted an 8/1/11 statement which he also read into the record.

Kate Hastings-Kort, 28 Jude Lane, spoke in favor of the application.

Pociask asked if the parking was adequate to accommodate all the staff and visitors. Manning noted that many of the staff work off-site with clients, and many of the visitors and clients come via public transportation. He also asked for verification that the turning radius for bus and emergency vehicles was adequate.

Favretti questioned Fitzgerald regarding the layout of the parking area and if consideration had been given to giving the building a better setting than the proposed parking lot surround, or could it be improved by adding more landscaping within the parking area.

Noting no further comments or questions, Beal MOVED, Hall seconded, to close the public hearing at 8:58 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5

Discussion tabled. Public Hearing continued to the 9/6/11 meeting.

2. 4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298

Plante MOVED, Hall seconded, to approve with conditions the subdivision application (File #1298), of Scott Plimpton, for four lots, on property owned by the applicant, located on Gurleyville Road and Wormwood Hill Road, in an RAR-90 zone, as submitted to the Commission and shown on a twenty-one page set of plans dated 2/9/11 as revised to 7/12/11, as described in other application submissions, and as presented at public hearings held on May 2, June 6, July 5, and July 18, 2011.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, landscape architect and soil scientist.

2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves, subject to revisions noted below in condition 7, the depicted Building Area and Development Area Envelopes, setback waivers and frontage waivers for Lots 2, 3 and 4. Unless the Commission specifically authorizes revisions, the approved envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically noticed on the Land Records and the deeds for the subject lots. This condition also shall be incorporated onto the final plans replacing Notes 7 and 19 on Sheet #C2.
3. The approved plans include specific notes regarding stone wall and tree preservation. Pursuant to Section 7.7 of the Mansfield Subdivision Regulations, no existing stone walls shall be altered except for site work depicted on the approved plans. No stones from existing walls shall be removed from the site. Furthermore, a number of specimen trees on Lots 2 and 3 have been identified to be saved. No Zoning Permits shall be issued on these lots until a protective barrier has been placed around the specimen trees identified to be saved and the barrier has been found acceptable by the Zoning Agent. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of the subject lots.
4. This approval accepts the applicant's proposed dedication of conservation easements as appropriate to address the open space dedication requirements of Section 13 for the subject 4-lot subdivision subject to revisions in condition 7(b), below. Conservation easements based on the Town's model format shall be approved by the Director of Planning and Town Attorney and filed on the Land Records. Easements shall be incorporated into notes on the final plan, noticed in the Land Records and referenced in the deeds for the subject lots.
5. This approval authorizes the proposed common driveway for Lots 2 and 3 in accordance with Section 7.10(a) of the Mansfield Subdivision Regulations. A common driveway easement that addresses maintenance and liability issues, including the maintenance of depicted driveway sightlines, shall be submitted to the Planning Office for approval by the PZC Chairman, with staff assistance, and the Town Attorney. This easement shall be depicted on the final subdivision plan, incorporated into notes on the final plan, referenced in the deeds of the subject lots and filed on the Land Records. Pursuant to Section 7.10(j) of the Mansfield Subdivision Regulations, the common driveway work shall be completed or bonded in an amount and form acceptable to the PZC Chairman, with staff assistance, before the filing of the subdivision plan. This condition shall be noted on the final plan.
6. In accordance with Section 7.9 of the Mansfield Subdivision Regulations, the driveway on Lot 4 shall be completed or bonded in an amount and form acceptable to the PZC chairman, with staff assistance, before the filing of the subdivision plan. This condition shall be noted on the final plan.
7. In addition to final plan notes referenced in conditions 2 through 6, the following map revisions shall be incorporated onto final plans to facilitate identification and enforcement of easement and envelope boundaries:
 - A. The Development Area Envelope on Lot 2 shall be extended to the Lot 4 property line.
 - B. The Conservation Easement on Lot 3 shall be extended to share a common boundary with the Development Area Envelope.
8. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):
 - A. All final maps, including submittal in digital format, right-of-way deeds for land along Wormwood Hill Road and Gurleyville Road, a common driveway easement for Lots 2 and 3, conservation easements, drainage easement for Lots 1 and 4, and a Notice on the Land Records to address

conditions 2, and 3 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

- B. All monumentation (including delineation of the conservation easement with Town markers every 50 to 100 feet on perimeter trees or on cedar posts) with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED with all in favor except Pociask who disqualified himself.

3. **New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2**

Item tabled pending 9/6/11 Public Hearing.

4. **Special Permit Application, convenience store and gas station, 643 Middle Tpk/1660 Storrs Rd, Cumberland Farms Inc., applicant, PZC File #1303**

Item tabled pending 9/6/11 Public Hearing.

5. **2-Lot Re-Subdivision Application (1 new lot), 98 Fern Road, Koautly o/a, PZC File #1304**

Item tabled pending 9/6/11 Public Hearing.

6. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**

Item tabled-awaiting information from the applicant.

7. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, PZC File # 636-4**

Item tabled-awaiting information from the applicant.

New Business:

1. **Consideration of Re-Appointment of Design Review Panel Members**

Plante MOVED, Holt seconded, that the PZC reappoint, for two year terms ending August 1, 2013, Isabelle Atwood, Peter Miniutti, Robert Gillard and John Lenard as members of the Mansfield Design Review Panel. MOTION PASSED UNANIMOUSLY.

2. **Request for Filing Extension, Listro Subdivision, Candide Lane and Stearns Road, File #1296**

Holt MOVED, Ryan seconded, that the Planning and Zoning Commission, pursuant to Section 6.15 of the Subdivision Regulations, grant a second ninety-day extension, expiring on October 27, 2011, for filing final subdivision plans for the Listro Subdivision (File #1296). MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

Favretti noted that an executive session is necessary at the next meeting. The consensus of the Commission was to hold a Special Meeting at 6:00 p.m. in order to have the executive session.

Goodwin suggested that in the interest of saving paper, postage, etc., that the Commission experiment with receiving all extraneous communications listed on the agenda via email. Should a topic be of particular importance or interest, the office will print the communication on request. The Commission agreed that this approach should be tried at least for the next meeting.

Communications:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Katherine Holt, Secretary